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Page 1 of 4

Docket No.: NDTCO.012A

CUSTOMER NO. 20995

Applicant : Cammack et al.
App. No. : 10/757,178
Filed : January 14, 2004
For : PHOTOREFRACTIVE COMPOSITE
Examiner : Amanda C. Walke
Group Art Unit : 1752

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November 2, 2005


Joseph J. Mallon, Reg. No. 39,287

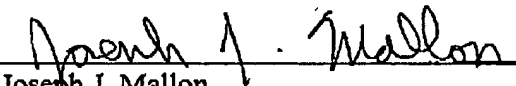
Transmitted herewith for filing and consideration in the above-referenced application are the
following items:

(X) Response to Office Action in 3 pages.

(X) Non-Final

(X) Total pages in transmission: 4

The Commissioner is hereby authorized to charge any additional fees which may be required,
now or in the future, or credit any overpayment to Account No. 11-1410.


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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed October 4, 2005, Applicants respectfully request the Examiner to consider the following response.

Rejection of Claims 1-18 under 35 U.S.C. § 103(a)

Claims 1-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendrickx et al. (article from the Journal of Materials Chemistry) in view of Cammack et al. (6,916,894, 2003/0220500, or 2005/0209478). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Cammack is not prior art under 35 U.S.C. § 102(a) or (b). The instant application claims priority to a provisional application (U.S. Serial No. 60/440,796) that was filed on January 15, 2003, well before the earliest publication date of the three cited Cammack references (U.S. Patent Publication No. 2003/0220500, published November 27, 2003). Accordingly, Cammack et al. (6,916,894, 2003/0220500, or 2005/0209478) are not prior art under 35 U.S.C. § 103(a) based on 35 U.S.C. § 102 (a) or (b).

In addition, Applicants respectfully submit that Cammack is not prior art under 35 U.S.C. § 102(e). A § 103 obviousness rejection based on 35 U.S.C. § 102 (e) is improper if the subject matter of the alleged prior art and the claimed invention were assigned (or subject to assignment)

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